

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

EDWARD BUTOWSKY,

Plaintiff,

v.

MICHAEL GOTTLIEB, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:19-cv-0180-ALM-KPJ

AMENDED MOTION TO DISMISS WITH PREJUDICE

Pursuant to Rule 42(a)(2) of the Federal Rules of Civil Procedure, Plaintiff Edward Butowsky and Defendants The New York Times Company (“The New York Times”) and Turner Broadcasting System, Inc. (“CNN”)¹ jointly move the Court for an order of dismissal with prejudice as to The New York Times and CNN, and state as follows:

On September 28, 2020, U.S. District Judge Amos L. Mazzant entered orders adopting the magistrate’s report and recommendation and dismissing without prejudice Defendants Cooper, Tuchman, Darcy, Kludt, Feuer, Coaston, and Vox Media for lack of personal jurisdiction. The Court has terminated these parties from the case.

Plaintiff now wishes to dismiss The New York Times and CNN with prejudice. The parties have agreed that each shall bear its own costs and fees in this action.

¹ Cable News Network, Inc., a subsidiary of Turner Broadcasting System, Inc., is the entity that published the statements of which Plaintiff complains.

Dated: October 21, 2020

Respectfully submitted,

/s/ Ty Clevenger

Ty Clevenger
Texas Bar No. 24034380
P.O. Box 20753
Brooklyn, New York 11202-0753
(979) 985-5289
(979) 530-9523 (fax)
tyclevenger@yahoo.com

Attorney for Plaintiff Edward Butowsky

/s/ Marc A. Fuller

Thomas S. Leatherbury
State Bar No. 12095275
Marc A. Fuller
State Bar No. 24032210
VINSON & ELKINS L.L.P.
2001 Ross Avenue, Suite 3900
Dallas, TX 75201
Tel: 214.220.7700
Fax: 214.999.7792
tleatherbury@velaw.com
mfuller@velaw.com

Attorneys for Vox Media Defendants and New York Times Defendants

/s/ Robert P. Latham

Robert P. Latham
State Bar No. 11975500
blatham@jw.com
Jamison M. Joiner
State Bar. No. 24093775
jjoiner@jw.com
JACKSON WALKER L.L.P.
2323 Ross Avenue, Suite 600
Dallas, Texas 75201
(214) 953-6000 – Telephone
(214) 953-5822 – Facsimile

Attorneys for CNN Defendants

CERTIFICATE OF SERVICE

The undersigned certifies that on the 21st day of October 2020, a true and correct copy of the foregoing document was forwarded via e-filing on all counsel of record.

/s/ Marc A. Fuller
Marc A. Fuller